

EXHIBIT MM

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

- - - - - x MDL NO. 2002
: 08-md-02002
:
IN RE: PROCESSED EGG PRODUCTS :
ANTITRUST LITIGATION :
: HIGHLY
: CONFIDENTIAL
:
- - - - - x

30(B)(6) DEPOSITION OF ROBERT PONTIUS

August 29, 2013

VOLUME 1

Reported by
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CSR No. 753

1 Q. And before that?

2 A. Store director.

3 Q. How long were you a store director?

4 A. About three years.

5 Q. And before that?

6 A. Grocery manager, about four years.

7 Q. Before that?

8 A. Grocery clerk.

9 Q. So you -- you started there, right?

10 A. Yeah. I -- I started as a bagger.

11 So . . .

12 Q. Okay. And when did you start with the
13 original Albertsons?

14 A. 1986.

15 Q. And you were there until 2007?

16 A. Correct.

17 Q. And why did you leave?

18 A. SUPERVALU purchased the original
19 Albertsons and they were moving my job function to
20 Minneapolis.

21 Q. And --

22 A. I wanted to stay here.

1 MR. MURRAY: Okay. Why don't we say that
2 you'll -- the term "Albertsons" will refer to the
3 LLC unless otherwise . . .

4 MS. CRABTREE: The old Albertsons or
5 original Albertsons I'll clarify for time
6 purposes. Right now, we're just talking about
7 Albertsons LLC.

8 THE WITNESS: Okay. Okay.

9 I'm the one responsible for making
10 those decisions.

11 Q. BY MS. CRABTREE: And what was your
12 conversation with Mark Klewin about?

13 A. In speaking with Mark Klewin, I tried
14 to get a better understanding of the actual
15 procurement process, the buying process from the
16 egg supplier to the distribution center to the
17 stores.

18 Q. And your conversation with Marc Nosal?

19 A. Marc Nosal is the sourcing manager for
20 SUPERVALU. So when I spoke with him, I was trying
21 to get a better understanding of how the egg
22 supplier sourcing decisions were made from 2006

1 A. Preacquisition is Hickman's, Rocky
2 Mountain Eggs, Cal-Maine. Postacquisition is
3 going to be those three plus -- there's a --
4 there's a bunch of new suppliers, and I'm sorry, I
5 do not -- I do not know those all by memory.

6 Q. What products were you purchasing from
7 NuCal from 2006 to 2008?

8 A. Shell -- just shell eggs. And that
9 would include both commodity eggs and specialty
10 eggs.

11 Q. What do you consider specialty eggs?

12 A. Anything that has a health benefit
13 claim or like a free-range, cage-free aspect to
14 it.

15 Q. Were you buying UEP certified eggs from
16 NuCal?

17 A. Yes.

18 Q. Was that a requirement for the eggs
19 that you were purchasing?

20 A. Yes.

21 Q. Why did you require UEP certified
22 eggs?

1 A. The requirement for UEP certified eggs
2 preexisted, so as we moved the business forward,
3 we kept it consistent and kept that requirement in
4 place. Just to, I guess, keep the program
5 consistent, keep the shopping experience
6 consistent for our customers.

7 Q. Do you still require UEP certified
8 eggs?

9 A. We do.

10 Q. What about Moark? What were you
11 purchasing from Moark from 2006 to 2011?

12 A. Shell eggs, to include commodity and
13 specialty eggs.

14 Q. No egg products?

15 A. Not from Moark.

16 Q. Okay. How about Cal-Maine? What
17 have you purchased from Cal-Maine from 2006 to
18 present?

19 A. Shell eggs, to include commodity and
20 specialty. I'm sorry, I -- I did neglect to
21 mention the supplier for the liquid eggs.

22 Q. Okay.